

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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APV SOULUTION LTD.

Plaintiff,

22 cv 0232 (PKC)

-against-

ORDER

HUTTON TOYS, LLC,

Defendant.

-----X  
CASTEL, U.S.D.J.:

Plaintiff is organized under the laws of the United Kingdom with its principal place of business in that country. Hence, it is a citizen of the United Kingdom. It brings this action invoking subject matter jurisdiction by reason of diversity of citizenship, 28 U.S.C. § 1332. Defendant Hutton Toys, LLC is a limited liability company of which another limited liability company is the sole member and the sole member of that limited liability company is a citizen of Israel. Hence, the citizenship of Hutton Toys, LLC is Israel.

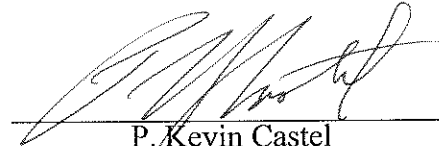
“The rule of complete diversity—that no plaintiff and no defendant may be a citizen of the same state—applies to alienage cases as well as to ordinary diversity cases.” F. & H.R. Farman-Farmaian Consulting Engineers Firm v. Harza Eng'g Co., 882 F.2d 281, 284 (7th Cir. 1989) (citing Newman–Green, Inc. v. Alfonzo–Larrain, 109 S. Ct. 2218, 2221 (1989)). And, “the presence of aliens on two sides of a case destroys diversity jurisdiction,” just like the presence of two citizens of the same state. Corporacion Venezolana de Fomento v. Vintero Sales Corp., 629 F.2d 786, 790 (2d Cir. 1980).

There is no subject matter jurisdiction because there are aliens on both sides of the case.

The action is DISMISSED without prejudice. The Clerk shall close the case.

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SO ORDERED.

  
P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 7, 2022